

Ben M. Harrington (SBN 313877)  
**HAGENS BERMAN SOBOL  
SHAPIRO LLP**  
715 Hearst Avenue, Suite 202  
Berkeley, CA 94710  
Telephone: (510) 725-3000  
Facsimile: (510) 725-3001  
benh@hbsslaw.com

*Attorneys for Plaintiffs and  
the Proposed Class*

[Additional Counsel on Signature Page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

AFFINITY CREDIT UNION et al.,

Plaintiffs,

v.

APPLE INC.,

Defendant.

CASE NO. 4:22-cv-04174-JSW

**STIPULATION AND [PROPOSED]  
ORDER TO MODIFY CASE  
SCHEDULE PURSUANT TO CIVIL  
LOCAL RULE 6-2**

Place: Courtroom 5, 2nd Floor, Oakland  
Judge: The Honorable Jeffrey S. White

1 Plaintiffs Affinity Credit Union, Greenstate Credit Union, and Consumers Credit Union  
2 (“Plaintiffs”) and Defendant Apple Inc. (“Apple”) (collectively, the “Parties”), hereby stipulate as  
3 follows:

4 1. WHEREAS, on October 14, 2022, the Parties submitted their Initial Joint Case  
5 Management Conference Statement. ECF No. 36. In that statement, Plaintiffs proposed an  
6 “Exchange of Merits Expert Report(s) 60 days from ruling on Class Certification” and an  
7 “Exchange of Mertis Expert Response Report(s) 90 days from ruling on Class Certification.” *Id.*  
8 at 10. Apple did not propose a schedule because of its pending motion to dismiss. *Id.* (“Apple  
9 believes that it is premature to set a schedule for this case.”).

10 2. WHEREAS, on November 29, 2023, the Court entered a scheduling order. ECF  
11 No. 68. That order stated: “The Court declines to adopt the uncertain dates for exchange of expert  
12 reports, dispositive and related *Daubert* motions, and related hearings. The parties shall submit a  
13 renewed proposed scheduling order with specific dates after the Court issues its ruling on the class  
14 certification motion.” *Id.* at 2. The same order set the deadline for the “Exchange of Expert  
15 Report(s)” on August 21, 2025 (by 5 p.m.). *Id.*

16 3. WHEREAS, on August 2, 2024, the Parties stipulated to an extension of the case  
17 schedule, including moving the August 21, 2025 deadline for the “Exchange of Expert Reports”  
18 to January 23, 2026 (by 5 pm). ECF No. 79. The Court approved the stipulation on August 5,  
19 2024. ECF No. 81 at 2; *see also* ECF No. 137 (same).

20 4. WHEREAS, the Court heard oral argument on Plaintiffs’ motion for class  
21 certification and Apple’s *Daubert* motion on October 10, 2025. As of the date of this stipulation,  
22 the Court has not issued a ruling on class certification.

23 5. NOW, THEREFORE, IT IS STIPULATED by and between the Parties through  
24 their respective counsel that the case schedule be modified as follows:  
25  
26  
27  
28

Event	Deadline
Plaintiffs Exchange Opening Expert Report(s)	April 23, 2026 (by 5 pm)
Apple Exchanges Rebuttal Expert Report(s)	July 22, 2026 (by 5 pm)
Plaintiffs Exchange Reply Expert Report(s)	September 3, 2026 (by 5 pm)

6. Consistent with the Court's order of November 29, 2023 (ECF No. 68), the Parties may propose future revisions to this schedule based on the timing of the Court's decision on class certification. The Parties have previously stipulated to the following time modifications: to extend Apple's time to respond to the complaint (ECF No. 15); to set a briefing scheduling for Apple's motion to dismiss the amended complaint (ECF No. 42); to extend Apple's time to answer the amended complaint (ECF No. 65); and to amend the case schedule (ECF Nos. 79 & 136).

**IT IS SO STIPULATED.**

1 Dated: December 3, 2025

LATHAM & WATKINS LLP

2 By: /s/ Belinda S. Lee

Belinda S Lee

3 Belinda S Lee (Cal. Bar No. 199635)

4 *belinda.lee@lw.com*

Sarah M. Ray (Cal. Bar No. 229670)

5 *sarah.ray@lw.com*

Aaron T. Chiu (Cal. Bar No. 287788)

6 *aaron.chiu@lw.com*

505 Montgomery Street, Suite 2000

7 San Francisco, California 94111-6538

Telephone: +1.415.391.0600

8  
9 *Attorneys for Defendant Apple Inc.*

10 Dated: December 3, 2025

HAGENS BERMAN SOBOL SHAPIRO LLP

11 By: /s/ Ben M. Harrington

12 Ben M. Harrington

13 Ben M. Harrington (Cal. Bar No. 313877)

14 *benh@hbsslaw.com*

715 Hearst Avenue, Suite 202

15 Berkeley, California 94710

Telephone: +1.510.725.3000

16 Steve W. Berman (*pro hac vice*)

17 *steveb@hbsslaw.com*

1301 Second Avenue, Suite 2000

18 Seattle, Washington 98101

Telephone: +1.206.623.7292

19 SPERLING KENNY NACHWALTER, LLC

20 Eamon P. Kelly (*pro hac vice*)

21 Joseph M. Vanek (*pro hac vice*)

Jeffrey H. Bergman (*pro hac vice*)

22 321 N. Clark St., 25th Floor

Chicago, IL 60654

23 Telephone: (312) 676-5845

*ekelly@sperlingkenny.com*

24 *jvanek@sperlingkenny.com*

*jbergman@sperlingkenny.com*

25 Phillip F. Cramer (*pro hac vice*)

1221 Broadway, Suite 2140

26 Nashville, TN 37203

27 Telephone: (312) 224-1512

*pcramer@sperlingkenny.com*

28 *Attorneys for Plaintiffs and the Proposed Class*

**[PROPOSED] ORDER**

Having considered the Parties' Stipulation, IT IS HEREBY ORDERED THAT:

The case schedule is amended in accordance with the following dates:

Event	Deadline
Plaintiffs Exchange Opening Expert Report(s)	April 23, 2026 (by 5 pm)
Apple Exchanges Rebuttal Expert Report(s)	July 22, 2026 (by 5 pm)
Plaintiffs Exchange Reply Expert Report(s)	September 3, 2026 (by 5 pm)

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

THE HONORABLE JEFFREY S. WHITE

United States District Judge

**ATTESTATION**

I am the ECF user whose identification and password are being used to file the foregoing Stipulation. Pursuant to Civil Local Rule 5-1, I attest that all other signatories listed, and on whose behalf the filing is submitted, concur in this filing's content and have authorized such filing.

Dated: December 3, 2025

*/s/ Ben M. Harrington*

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Ben M. Harrington